

Executive Summary – Enforcement Matter – Case No. 50282
Rentech Nitrogen Pasadena, LLC
RN101621944
Docket No. 2015-0493-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Rentech Nitrogen Pasadena, 2001 Jackson Road, Pasadena, Harris County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: October 16, 2015

Comments Received: No

Penalty Information

Total Penalty Assessed: \$65,250

Amount Deferred for Expedited Settlement: \$13,050

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$52,200

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: January 15, 2015

Date(s) of NOE(s): February 25, 2015

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Rentech Nitrogen Pasadena, LLC
RN101621944
Docket No. 2015-0493-AIR-E

Violation Information

Failed to comply with maximum allowable hourly emissions rate. Specifically, during a compliance stack test conducted on July 9, 2010, the Respondent exceeded the 4.4 pounds per hour ("lbs/hr") emissions rate for sulfuric acid mist ("H₂SO₄") at a maximum production rate of 1,940 tons per day of fertilizer for the wet scrubber stack, Emission Point Number ("EPN") ASNVO01, by 0.62 lb/hr of H₂SO₄, resulting in the unauthorized release of 11,105.55 pounds of H₂SO₄ [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit No. 01252, Special Terms and Conditions No. 11, and New Source Review ("NSR") Permit No. 56361, Special Conditions No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. By June 30, 2016, conduct a compliance stack test using a test method mutually agreeable to the Respondent and the TCEQ to demonstrate compliance with the maximum allowable emissions rate for H₂SO₄ at EPN ASNVO01; and
- b. By August 14, 2016, submit written certification demonstrating compliance with the maximum allowable emissions rate for H₂SO₄ at EPN ASNVO01.

In lieu of b.:

- c. By December 31, 2016, submit an administratively complete permit amendment application for NSR Permit No. 56361 to increase the maximum allowable emissions rate for H₂SO₄ at EPN ASNVO01;
- d. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit amendment application within 30 days after the date of such requests, or by any other deadline specified in writing;
- e. If a permit amendment application is submitted, then by January 15, 2017, submit written certification demonstrating compliance with c.; and
- f. If a permit amendment application is submitted, then by June 30, 2017, submit written certification that the amendment for NSR Permit No. 56361 has been obtained.

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Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Amancio R. Gutierrez, Enforcement Division, Enforcement Team 5, MC 149, (512) 239-3921; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456
TCEQ SEP Coordinator: N/A
Respondent: John H. Diesch, President, Rentech Nitrogen Pasadena, LLC, 2001 Jackson Road, Pasadena, Texas 77506
Andrew Velo, General Site Manager, Rentech Nitrogen Pasadena, LLC, 2001 Jackson Road, Pasadena, Texas 77506
Respondent's Attorney: Peter K. Wahl, Jackson Walker L.L.P., Bank of America Plaza, 901 Main Street, Suite 6000, Dallas, Texas 75202



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	3-Mar-2015	Screening	18-Mar-2015	EPA Due	
	PCW	24-Aug-2015				

RESPONDENT/FACILITY INFORMATION

Respondent	Rentech Nitrogen Pasadena, LLC		
Reg. Ent. Ref. No.	RN101621944		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	50282	No. of Violations	1
Docket No.	2015-0493-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Amancio R. Gutierrez
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$25,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	161.0% Enhancement	Subtotals 2, 3, & 7	\$40,250
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Notes
Enhancement for two NOV's with same/similar violations, four NOV's with dissimilar violations, six orders containing a denial of liability, and one final judgement with denial of liability. Reduction for three notices of intent to conduct an audit and two disclosures of violations.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes
The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$6,542
Estimated Cost of Compliance \$20,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$65,250
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$65,250
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$65,250
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DEFERRAL	20.0% Reduction	Adjustment	-\$13,050
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes
Deferral offered for expedited settlement.

PAYABLE PENALTY	\$52,200
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Screening Date 18-Mar-2015

Docket No. 2015-0493-AIR-E

PCW

Respondent Rentech Nitrogen Pasadena, LLC

Policy Revision 2 (September 2002)

Case ID No. 50282

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101621944

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	2	10%
	Other written NOVs	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	6	120%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	3	-3%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	2	-4%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 161%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two NOVs with same/similar violations, four NOVs with dissimilar violations, six orders containing a denial of liability, and one final judgment with denial of liability. Reduction for three notices of intent to conduct an audit and two disclosures of violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 161%

Screening Date 18-Mar-2015

Docket No. 2015-0493-AIR-E

PCW

Respondent Rentech Nitrogen Pasadena, LLC

Policy Revision 2 (September 2002)

Case ID No. 50282

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101621944

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit No. O1252, Special Terms and Conditions No. 11, and New Source Review Permit No. 56361, Special Conditions No. 1

Violation Description

Failed to comply with maximum allowable hourly emissions rate. Specifically, during a compliance stack test conducted on July 9, 2010, the Respondent exceeded the 4.4 pounds per hour ("lbs/hr") emissions rate for sulfuric acid mist ("H2SO4") at a maximum production rate of 1,940 tons per day of fertilizer for the wet scrubber stack, Emission Point Number ("EPN") ASNV001, by 0.62 lb/hr of H2SO4, resulting in the unauthorized release of 11,105.55 pounds of H2SO4.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 10

867 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$25,000

Ten quarterly events are recommended from the November 1, 2012 ownership change to the March 18, 2015 screening date.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$25,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6,542

Violation Final Penalty Total \$65,250

This violation Final Assessed Penalty (adjusted for limits) \$65,250

Economic Benefit Worksheet

Respondent Rentech Nitrogen Pasadena, LLC

Case ID No. 50282

Reg. Ent. Reference No. RN101621944

Media Air

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$10,000	9-Jul-2010	30-Jun-2017	6.98	\$3,490	n/a	\$3,490
Other (as needed)	\$10,000	9-Jul-2010	14-Aug-2016	6.10	\$3,052	n/a	\$3,052

Notes for DELAYED costs

Estimated cost to conduct a compliance stack test to demonstrate compliance with the maximum allowable emissions rate for H2SO4 from EPN ASNV001 and/or obtain a permit amendment. The Date Required is the compliance test date and the Final Dates are the estimated dates of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$20,000

TOTAL

\$6,542

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN604162990, RN101621944, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator:	CN604162990, Rentech Nitrogen Pasadena, LLC	Classification:	SATISFACTORY	Rating:	5.71
Regulated Entity:	RN101621944, RENTECH NITROGEN PASADENA	Classification:	SATISFACTORY	Rating:	5.71
Complexity Points:	29	Repeat Violator:	NO		
CH Group:	05 - Chemical Manufacturing				
Location:	2001 JACKSON RD PASADENA, TX 77506, HARRIS COUNTY				
TCEQ Region:	REGION 12 - HOUSTON				

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG0534U
POLLUTION PREVENTION PLANNING ID NUMBER P00440
WASTEWATER PERMIT WQ0000649000
AIR NEW SOURCE PERMITS PERMIT 4209A
AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0534U
AIR NEW SOURCE PERMITS REGISTRATION 88266
AIR NEW SOURCE PERMITS PERMIT 56361
AIR NEW SOURCE PERMITS REGISTRATION 94041
AIR NEW SOURCE PERMITS REGISTRATION 98455
AIR NEW SOURCE PERMITS REGISTRATION 110346
AIR NEW SOURCE PERMITS REGISTRATION 107795
AIR NEW SOURCE PERMITS REGISTRATION 118031

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD099387474
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 30051
AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG0534U

AIR OPERATING PERMITS PERMIT 1252
PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 50576
WASTEWATER EPA ID TX0007285
AIR NEW SOURCE PERMITS REGISTRATION 15865
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX949
AIR NEW SOURCE PERMITS AFS NUM 4820100029
AIR NEW SOURCE PERMITS REGISTRATION 93662
AIR NEW SOURCE PERMITS REGISTRATION 100756
AIR NEW SOURCE PERMITS REGISTRATION 103508
AIR NEW SOURCE PERMITS REGISTRATION 110349
AIR NEW SOURCE PERMITS REGISTRATION 117468
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1010936
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30051
AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG0534U
AIR QUALITY NON PERMITTED ID NUMBER LGL101621944

Compliance History Period: September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014

Date Compliance History Report Prepared: April 17, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 17, 2010 to April 17, 2015

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Amancio R. Gutierrez

Phone: (512) 239-3921

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If YES for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- | | | |
|---|--|--|
| 1 | Effective Date: 12/25/2010 | ADMINORDER 2010-1035-AIR-E (1660 Order-Agreed Order With Denial) |
| | Classification: Major | |
| | Citation: 30 TAC Chapter 101, SubChapter A 101.20(3) | |
| | 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) | |

30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.622(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:S.C. 1(E) OP
S.C. 11(A) OP
S.C. 2 OP

Description: Exceeded MAERT emission limit for HF on 11/20/2009, 1/15/2010 and 2/9/2010. Cateogry Violation: A8(c)(1)(H)

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.622(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:S.C. 1(E) OP
S.C. 11{A} OP
S.C. 2 OP
S.C. 2 PERMIT

Description: Exceeded emission limit for total fluorides and HF on 11/20/2009. Cateogry Violation: A8(c)(1)(H)

2 Effective Date: 04/11/2012 COURTORDER (Final Judgement-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(H)(i)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Conditions No. 1 PERMIT

Description: Defendant discharged ammonia gas into the air.

3 Effective Date: 07/19/2013 ADMINORDER 2013-0012-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:NSR No. 56361, Special Condition #1 PERMIT

Description: Failure to meet the demonstration criteria for an affirmative defense for unauthorized emissions during an emissions event. (CATEGORY A6)

4 Effective Date: 08/25/2014 ADMINORDER 2013-1836-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:SC 24(B) PERMIT
ST&C 12 OP

Description: Failed to verify optical calibration using a manufacturer recommended optical filter for the 800 North and 800 South Scrubber Continuous Emissions Monitoring System ("CEMS"). Specifically, the Respondent failed to verify optical calibrations on the CEMS for Scrubbers Emission Point Numbers ("EPN") USNV001 and USNV002 for the fourth quarter of 2011 and for the first and second quarters of 2012.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 60, Subpart H 60.82(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Permit 56361 SC 14 PA
ST&C 1A OP

Description: Failed to comply with the sulfur dioxide ("SO2") emissions rate for the Wet Scrubber Stack, EPN ASNV001. Specifically, the Respondent exceeded the emission rate of 4 pounds of SO2 per ton ("lbs/ton") of 100 percent sulfuric acid produced on May 9, 2012, June 14, 2012, and October 29, 2012 by 4.59 pounds per ton, 23.12 lbs/ton, and 8.75 lbs/ton, respectively.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	May 19, 2010	(845067)
Item 2	September 14, 2010	(873943)
Item 3	November 04, 2010	(881540)
Item 4	November 05, 2010	(865472)
Item 5	December 17, 2010	(896285)
Item 6	February 14, 2011	(909127)
Item 7	April 01, 2011	(899794)
Item 8	April 20, 2011	(924881)
Item 9	May 17, 2011	(924880)
Item 10	June 16, 2011	(945437)
Item 11	July 13, 2011	(936110)
Item 12	July 18, 2011	(952662)
Item 13	July 20, 2011	(937665)
Item 14	August 15, 2011	(959348)
Item 15	August 18, 2011	(944430)
Item 16	September 12, 2011	(965380)
Item 17	October 13, 2011	(971419)
Item 18	February 13, 2012	(998006)
Item 19	March 21, 2012	(1010098)
Item 20	May 01, 2012	(997547)
Item 21	May 11, 2012	(1016488)
Item 22	June 14, 2012	(1024211)
Item 23	July 13, 2012	(1031603)
Item 24	August 13, 2012	(1037980)
Item 25	September 18, 2012	(1046714)
Item 26	October 18, 2012	(1061007)
Item 27	November 15, 2012	(1061008)
Item 28	December 17, 2012	(1061009)
Item 29	January 14, 2013	(1079046)
Item 30	February 19, 2013	(1079045)
Item 31	March 13, 2013	(1089347)
Item 32	June 10, 2013	(1110340)
Item 33	August 13, 2013	(1124980)
Item 34	September 17, 2013	(1129579)
Item 35	October 10, 2013	(1135311)
Item 36	November 04, 2013	(1057145)
Item 37	November 26, 2013	(1124790)
Item 38	February 19, 2014	(1144040)
Item 39	March 14, 2014	(1167217)
Item 40	April 04, 2014	(1138925)
Item 41	April 23, 2014	(1174350)
Item 42	May 14, 2014	(1180538)
Item 43	June 06, 2014	(1163454)
Item 44	July 17, 2014	(1198621)
Item 45	August 18, 2014	(1174078)
Item 46	August 21, 2014	(1174094)
Item 47	September 16, 2014	(1205841)
Item 48	October 23, 2014	(1212253)
Item 49	November 07, 2014	(1202532)
Item 50	November 21, 2014	(1196398)
Item 51	December 15, 2014	(1224284)
Item 52	December 29, 2014	(1211758)
Item 53	January 16, 2015	(1230871)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 Date: 05/31/2014 (1187436) CN604162990
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 2 Date: 06/03/2014 (1152610) CN604162990
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
Description: Failure to report deviations [Category C3].
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 26A PERMIT
 Special Terms and Conditions No. 11 OP
Description: Failure to conduct Audio, Visual, and Olfactory (AVO) Inspection for NH3
 [Category C1 violation].
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition No. 1 PERMIT
 Special Terms and Conditions No. 11 OP
Description: Failure to comply with NSR Permit No. 56361 Maximum Allowable Emission Rate
 (MAER) of Sulfuric Acid Mist (SAM) for Emission Point (EPN) ASNV001[Category
 A4 violation]
 A follow-up investigation of Investigation #1152610 was conducted on January
 15, 2015 to determine Rentech Nitrogen Pasadena compliance status with this
 alleged violation.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(f)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT H 60.84(a)
 Special Condition No. 11 PERMIT
 Special Condition No. 13 PERMIT
 Special Condition No. 13A PERMIT
 Special Condition No. 13D PERMIT
 Special Terms and Conditions No. 11 OP
 Special Terms and Conditions No. 13 OP
 Special Terms and Conditions No.5E OP
Description: Failure to record valid data for all periods in which the CEMS is required to
 operate [Category C3 violation]
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT H 60.84(a)
 Special Condition No. 11 PERMIT
 Special Condition No. 13 PERMIT
 Special Condition No. 13A PERMIT
 Special Condition No. 13D PERMIT
 Special Terms and Condition No. 5E OP
 Special Terms and Conditions No. 11 OP
Description: Failure to perform a daily calibration of the Continuous Emission Monitoring
 System (CEMS) [Category C4 violation]
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition No. 1 PERMIT
 Special Terms and Conditions No. 11 OP
Description: Failure to comply with NSR Permit No. 56361 Maximum Allowable Emission Rate
 (MAER) of sulfur dioxide (SO2) for Emission Point (EPN) ASNV001 [Category B14

	violation]		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition No. 1 PERMIT Special Terms and Conditions No. 11 OP		
Description:	Failure to comply with NSR Permit No. 4209A Maximum Allowable Emission Rate (MAER) of ammonia (NH3) for Emission Point (EPN) USNV001 [Category B14 violation]		

3	Date:	07/31/2014 (1198622)	CN604162990
	Self Report?	YES	Classification: Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description:	Failure to meet the limit for one or more permit parameter	

4	Date:	10/31/2014 (1218505)	CN604162990
	Self Report?	YES	Classification: Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description:	Failure to meet the limit for one or more permit parameter	

5	Date:	01/31/2015 (1242322)	CN604162990
	Self Report?	YES	Classification: Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description:	Failure to meet the limit for one or more permit parameter	

6	Date:	02/12/2015 (1211880)	CN604162990
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THSC Chapter 382 382.085(b) Special Condition 1 PERMIT	
	Description:	Failure to prevent the unauthorized SO2 emissions from STEERS Incident 206431, because the circuit breaker for an acid pump at the SAP Wet Scrubber had not been adjusted correctly. [Subcategory B13]	

F. Environmental audits:

Notice of Intent Date: 08/20/2010 (857453)
No DOV Associated

Notice of Intent Date: 12/09/2011 (994721)
Disclosure Date: 04/23/2012

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(d)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT H 60.84(e)

Description: Failed to report excess emissions in deviation reports and semi-annual reports.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter K 106.263(g)
30 TAC Chapter 106, SubChapter S 106.433(8)(B)
30 TAC Chapter 106, SubChapter S 106.433(8)(C)
30 TAC Chapter 106, SubChapter S 106.433(8)(D)
30 TAC Chapter 106, SubChapter T 106.452(2)(C)
30 TAC Chapter 115, SubChapter E 115.426(4)

Description: Failed maintain recordkeeping for: 30 TAC 106.433(8)(B), (C), and (D); 30 TAC 115.426(4); 30 TAC 106.452(2)(C); and 30 TAC 106.263(g).

Viol. Classification: Major

Citation: 30 TAC Chapter 122, SubChapter C 122.222(c)

Description: Failed to submit notifications and timely incorporate qualified changes to Title V Permit No. O-1252.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.8(a)

Description: Failed to submit required notifications and semi-annual report for 40 CFR 60 Subpart PP.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.11(e)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)

Description: Failed to conduct visible emission opacity observations for 40 CFR Subpart PP.

Notice of Intent Date: 09/09/2013 (1152074)

Disclosure Date: 01/15/2014

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT SC 21A

Description: Failed to have RATA calculations in the units of the applicable standard. Specifically, this pertains to the SO2 CEMS and the 3 year RATA on the NH3 CEMS, as they were conducted in ppm, not in the units of the standard.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT SC 21B

Description: Failed to include percent accuracy or corrective action at the Ammonium Sulfate Unit for the quarterly optical filter audits.

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT PP 60.423(a)

Description: Failed to conduct and document annual calibrations on the tail gas scrubbers and the raw material flow meters at the Ammonium Sulfate Unit.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Description: Failed to keep scrubber exhaust pick up point from getting plugged and it was not capturing particulate emissions.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)

Description: Failed to report a reportable emission event to the TCEQ within 24 hours. Specifically, this concerns an excess emission event on 10/29/12 of 713 pounds of SO2 occurred from the Sulfuric Acid Plant in a single hour. This exceeded the 500 lb. limit.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)

Description: Failed to report 4 reportable quantity exceedances at the Ammonium Sulfate Unit for the following days - 6/29/13, 8/2/13, 9/23/13, 11/5/13.

Viol. Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.165(c)(1)

Description: Failed to have written authorization on site from an officer of Rentech designating the General Site Manager or Responsible Official or Daily Authorized Representative.

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT PP 60.424(b)(2)

Description: Failed to collect the required minimum sample volume of 53 dsef during each of the three test runs during Method 5 performance testing in August 2011 and May 2012 on the Ammonium Sulfate Unit scrubbers for NSPS compliance.

Viol. Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)

Description: Failed to prevent visible emissions while ammonium sulfate was being loaded into a marine vessel.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT SC 30B

Description: Failed to have records available for the rolling 12-month average production rates for ammonium sulfate.

Viol. Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(a)(1)

Description: Failed to have a complete Operation Manual for the potable water system.

Viol. Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(A)

Description: Failed to have a full-face self-contained breathing apparatus installed, and also failed to have a bottle of fresh ammonia solution for testing for chlorine leakage at the public water supply.

Viol. Classification: Minor

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT C 264.13

Description: Failed to have a waste analysis plan.

Viol. Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.6

Description: Failed to register on the NOR as a place where fluorescent bulbs were accumulating.

Viol. Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.6

Description: Failed to register as an area where waste oil was accumulating in the NOR.

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20

Description: Failed to have a CEMS Operations Manual for the sulfuric Acid Plant complete, as it was missing a number of Quality Assurance Provisions.

Viol. Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

Description: Failed to have transmitters calibrated correctly at the RGC and Dryer Scrubbers.

Viol. Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125

Description: Failed to provide the initial and follow up notificacions to the TCEQ regional office after a permit limit exceedance of ammonia from Outfall 002 occurred on June 18, 2011 during a stormwater event.

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Addendum to Compliance History Federal Enforcement Actions

Reg Entity Name: **AGRIFOS FERTILIZER L P**

Reg Entity Add: 2001 JACKSON ROAD

Reg Entity City: PASADENA

Reg Entity No: RN101621944

EPA Case No: **06-2010-0920**

Order Issue Date (yyyymmdd): 20100927

Case Result: Final Order With Penalty

Statute: RCRA

Sect of Statute: 3002

Classification: Minor

Program: Gen Hazardous Waste M

Citation:

Violation Type:

Cite Sect:

Cite Part:

Enforcement Action: Administrative Penalty Order

Reg Entity Name: **AGRIFOS FERTILIZER LLC**

Reg Entity Add: 2001 JACKSON ROAD

Reg Entity City: PASADENA

Reg Entity No: RN101621944

EPA Case No: **06-2010-0506**

Order Issue Date (yyyymmdd): 20100927

Case Result: Final Order With Penalty

Statute: CAA

Sect of Statute: 112R

Classification: Moderate

Program: NESHAPs

Citation:

Violation Type:

Cite Sect:

Cite Part:

Enforcement Action: Administrative Penalty Order

Reg Entity Name: **AGRIFOS FERTILIZER LP**

Reg Entity Add: 2001 JACKSON ROAD

Reg Entity City: PASADENA

Reg Entity No: RN101621944

EPA Case No: **06-2011-0960**

Order Issue Date (yyyymmdd): 20111207

Case Result:

Statute: RCRA

Sect of Statute: 3008A

Classification: Moderate

Program: National Emission Stand

Citation:

Violation Type:

Cite Sect:

Cite Part:

Enforcement Action: Administrative Penalty Order With or Without Inj

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
RENTECH NITROGEN
PASADENA, LLC
RN101621944

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY
§

AGREED ORDER DOCKET NO. 2015-0493-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Rentech Nitrogen Pasadena, LLC ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent, represented by Peter K. Wahl of the law firm of Jackson Walker L.L.P., together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant located at 2001 Jackson Road in Pasadena, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about March 2, 2015.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Sixty-Five Thousand Two Hundred Fifty Dollars (\$65,250) is assessed by the Commission in settlement of the violations alleged

in Section II ("Allegations"). The Respondent has paid Fifty-Two Thousand Two Hundred Dollars (\$52,200) of the administrative penalty and Thirteen Thousand Fifty Dollars (\$13,050) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to comply with maximum allowable hourly emissions rate, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit No. 01252, Special Terms and Conditions No. 11, and New Source Review ("NSR") Permit No. 56361, Special Conditions No. 1, as documented during a record review conducted on January 15, 2015. Specifically, during a compliance stack test conducted on July 9, 2010, the Respondent exceeded the 4.4 pounds per hour ("lbs/hr") emissions rate for sulfuric acid mist ("H₂SO₄") at a maximum production rate of 1,940 tons per day of fertilizer for the wet scrubber stack, Emission Point Number ("EPN") ASNV001, by 0.62 lb/hr of H₂SO₄, resulting in the unauthorized release of 11,105.55 pounds of H₂SO₄.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Rentech Nitrogen Pasadena, LLC, Docket No. 2015-0493-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:

- a. By June 30, 2016, conduct a compliance stack test using a test method mutually agreeable to the Respondent and the TCEQ to demonstrate compliance with the maximum allowable emissions rate for H₂SO₄ at EPN ASNV001, in accordance with NSR Permit No. 56361;
- b. By August 14, 2016, submit written certification demonstrating compliance with the maximum allowable emissions rate for H₂SO₄ at EPN ASNV001, as described in Ordering Provision No. 2.f.;

In lieu of Ordering Provision No. 2.b.:

- c. By December 31, 2016, submit an administratively complete permit amendment application for NSR Permit No. 56361 to increase the maximum allowable emissions rate for H₂SO₄ at EPN ASNV001, in accordance with 30 TEX. ADMIN. CODE § 116.111, to:

Air Permits Division, MC 163
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- d. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit amendment application within 30 days after the date of such requests, or by any other deadline specified in writing;
- e. If a permit amendment application is submitted, then by January 15, 2017, submit written certification demonstrating compliance with Ordering Provision No. 2.c., as described in Ordering Provision No. 2.f.; and

- f. If a permit amendment application is submitted, then by June 30, 2017, submit written certification that the amendment for NSR Permit No. 56361 has been obtained. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records; be notarized by a State of Texas Notary Public; and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director.

- The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
 7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
 8. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pamela Monroe
For the Executive Director

12/4/15
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

John H. Diesch
Signature

9/3/15
Date

John H. Diesch
Name (Printed or typed)
Authorized Representative of
Rentech Nitrogen Pasadena, LLC

President
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.